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FILED  
2015 MAR 19 PM 2:39  
VIRLYNN TINHELL  
SUPERIOR COURT CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE**

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR,

Defendant.

No. CR-2014-1193

**RESPONSE TO DEFENDANT'S  
MOTION TO ACCESS TO VIEW /  
INSPECT / PHOTOGRAPH /  
MEASURE / DOCUMENT ALLEGED  
CRIME SCENES AS PART OF  
INDEPENDENT DEFENSE  
INVESTIGATION OF CASE**

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned deputy, Gregory A. McPhillips, respectfully requests defendant's motion requesting access to alleged crime scenes be denied. Defendant's motion is not ripe; as explained below.

The State expects defendant to conduct an independent investigation of the crime scenes. The State has no intention to hamper defendant's investigation of this case. Unfortunately, the instant motion asks the Court order the State to do something the State has no power, or authority, to do.

Defendant's motion "*moves this Court to ORDER the State provide the defendant with opportunity to view the alleged crime scenes (the residence, vehicle and curtilages in question) ...*" Defendant's request is poorly worded and not well thought out. The State

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1 does not possess the residence, vehicle and curtilages in question.<sup>2</sup> The State is looking  
2 into what property interest the victims have in the vehicle and residence; but believes that  
3 they have none at this time. As such, the State does not know who owns this property  
4 defendant wants to examine. If defendant intends to ask this Court to infringe on  
5 someone's property interest then defendant should determine who possesses such  
6 interest. Since defendant does not know who owns the property, an order requiring  
7 examination of that property is not ripe. If an order, which essentially amounts to a search  
8 warrant, is issued now—then that order would require the State to act when it has no  
9 power or authority to do so. Further, the Court order would do so without notice to the  
10 property owner.

11 On balance, defendant's request asks the Court order the State to do something  
12 the State has no power to do. Granting defendant's request is not ripe. Further, if an  
13 order allowing defendant to view property is ultimately granted, such order will not require  
14 the State to make the property available. Defendant's motion requesting access to  
15 alleged crime scenes be denied.

16 RESPECTFULLY SUBMITTED THIS 19TH DAY OF MARCH, 2015.

17 MOHAVE COUNTY ATTORNEY  
18 MATTHEW J. SMITH

19 By   
20 DEPUTY COUNTY ATTORNEY  
21 GREGORY A. MCPHILLIPS  
22  
23  
24

25 <sup>2</sup> Defendant's motion is not specific as to what residence, vehicle and curtilages are in question; but the State is ignoring that PRACTICAL problem, with defendant's request, at this time. For the purposes of this response, the State assumes it knows which physical property defendant refers. Were this order granted, then the court would need to be painfully specific, as in a search warrant, as to what property is subject to the court order.

1 A copy of the foregoing  
2 sent this same day to:

3 HONORABLE LEE F. JANTZEN  
4 SUPERIOR COURT JUDGE

5 Gerald T. Gavin  
6 3880 Stockton Hill Road, Suite 103-450  
7 Kingman, AZ 86409

8 RONALD S. GILLES  
9 LEGAL DEFENDER  
10 Mohave County Legal Defender's Office  
11 P O Box 7000  
12 Kingman AZ 86402

13 By 